

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2011 MAY 26 PM 2:14

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY \_\_\_\_\_  
DEPUTY

R.C., BY HER NEXT FRIEND, P.C.,  
PLAINTIFF,

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V.

CAUSE NO. A-09-CA-649-LY

SAN MARCOS INDEPENDENT  
SCHOOL DISTRICT,  
DEFENDANT.

**ORDER**

Before the Court are the following motions: Defendant San Marcos Consolidated School District's First Amended Motion to Dismiss filed April 25, 2011 (Doc. #30); Defendant San Marcos Consolidated Independent School District's Motion for Summary Judgment filed April 25, 2011 (Doc. #31); Plaintiff's Amended Motion for Summary Judgment filed April 25, 2011 (Doc. #32); Plaintiff's Late Motion to Show Authority filed May 2, 2011 (Doc. #33); Plaintiff's Opposed Motion for Leave of Court to File Plaintiff's First Amended Complaint filed May 2, 2011 (Doc. #34); Plaintiff's Opposed Motion to Enlarge Time to Respond to Discovery file May 2, 2011 (Doc. #35); Plaintiff's Motion to Strike Deemed Admissions filed May 2, 2011 (Doc. #36); Plaintiff's Motion to Set Aside Deemed Admissions filed May 2, 2011 (Doc. #37); and Plaintiff's Opposed Late Motion for Leave of Court to File Trial Disclosures filed May 2, 2011 (Doc. #42). A hearing on all motions was held before the Court on May 24, 2011, at the conclusion of which the Court rendered the following rulings on the motions now memorialized below.

**IT IS ORDERED** that Plaintiff's Late Motion to Show Authority filed May 2, 2011 (Doc. #33) is **DISMISSED**. The Court finds that Plaintiff's counsel has shown authority Plaintiff by virtue of the attachment to the motion.

**IT IS FURTHER ORDERED** that Plaintiff's Opposed Motion for Leave of Court to File Plaintiff's First Amended Complaint filed May 2, 2011 (Doc. #34) is **GRANTED**. The Clerk is **ORDERED** to file Plaintiff's First Amended Complaint, attached to Plaintiff's motion for leave, in the record in this cause.

The Court further finds that discovery is appropriate in this cause. Therefore, the Court shall allow Defendant to proceed with discovery. Accordingly,

**IT IS FURTHER ORDERED** that Plaintiff's Opposed Motion to Enlarge Time to Respond to Discovery file May 2, 2011 (Doc. #35) is **GRANTED**. Plaintiff shall answer to all outstanding discovery **on or before June 7, 2011**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike Deemed Admissions filed May 2, 2011 (Doc. #36) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Set Aside Deemed Admissions filed May 2, 2011 (Doc. #37) is **GRANTED**. Plaintiff shall answer all requests for admissions **on or before June 7, 2011**.

**IT IS FURTHER ORDERED** that Plaintiff's Opposed Late Motion for Leave of Court to File Trial Disclosures filed May 2, 2011 (Doc. #42) is **GRANTED**. Plaintiff shall file her trial disclosures **on or before June 7, 2011**.

In light of the filing of Plaintiff's First Amended Complaint,

**IT IS FURTHER ORDERED** that Defendant San Marcos Consolidated School District's First Amended Motion to Dismiss filed April 25, 2011 (Doc. #30) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Defendant San Marcos Consolidated Independent School District's Motion for Summary Judgment filed April 25, 2011 (Doc. #31) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FINALLY ORDERED** that Plaintiff's Amended Motion for Summary Judgment filed April 25, 2011 (Doc. #32) is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 26th day of May, 2011.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE